

REMARKS

Reconsideration is requested.

Claims 1, 6 and 10 have been revised to state that the batten(s) run from the forward edge and the foot to the leech edge of the sail (Specification p. 8, lines 6-7), at a steep angle (Fig. 1 of drawings).

Claims 10-12 were rejected as anticipated by Skinner U.S. Patent No. 4,633,798 under 35 USC 102(b). Skinner describes a sail having a plurality of short battens positioned near the leech edge made of a thin band of steel with a cross section that is curved to give the band stiffness much like an ordinary steel tape measure. The sail of Skinner is not fully battened. Further, the approach of Skinner has not been tested in the market and it is not known if the battens can flex far enough to support a large roach without yielding by bending over or kinking. The Skinner sail with steel bands must also be handled with care since repeated furling and unfurling could result in the development of unwanted permanent deformation or creasing of the steel battens.

The rejection should be withdrawn. Skinner et al does not disclose a fully

battened sail as recited in the revised claims.

Claims 1, 2, 4 and 6 were rejected on Skinner et al in view of Kollberg U.S. Patent No. 5,493,988. Kollberg describes a mast 8 which is driven by worm gear. The screw 12 is provided with bearings 24. No bearings are provided for the mast. In the present invention, the mast is supported on bearings. Kollberg adds nothing to Skinner et al.

The rejection should be withdrawn.

Claims 3 and 8 were rejected on Skinner et al and Kollberg further in view of Peay U.S. Patent No. 5,799,601. This rejection is improper because of the deficiencies of Skinner et al and Kollberg noted above. Peay is cited to show battens 21 for a wing sail 48, 50 which are round in cross section. Peay is not pertinent to Skinner and Kollberg in the context of the instant claims. Peay in no way overcomes the deficiencies noted above. The rejection should be withdrawn.

Claim 5 was rejected on Skinner et al in view of Kollberg further in view of Hoyt U.S. Patent No. 4,149,482. Hoyt is cited to show a pull cord 46. Hoyt is not

contextually related and certainly has no teaching which would cure the deficiencies of Skinner et al and Kollberg. The rejection should be withdrawn.

Claim 9 was rejected on Skinner et al in view of Kollberg and further in view of Roeseler et al U.S. Patent No. 6,575,112. Roeseler et al is cited to show an A-frame structure support a mast and sail. Roeseler et al does not disclose anything relevant. Roeseler et al describes a tow boat having a high attachment point 1 for the line 3 pulling the towed person 4. In the embodiment of Roeseler et al Figures 1 to 7 and 9, there is no mast. The so-called "aerodynamic surface 2" is held aloft to stabilize the superstructure. There is no suggestion in Roeseler that the aerodynamic surfaces 2 is capable of being furled. In Figure 8, there is a mast but no A-frame. Thus, if anything, Roeseler et al teaches away from the present invention. In any case, Roeseler et al does not cure the deficiencies of Skinner et al and Kollberg.

The rejection should be withdrawn.

Claim 13 was rejected on Skinner et al in view of Peay. The discussion of Skinner et al and Peay, *supra*, is incorporated at this point and, as noted, Peay relates to round in cross-section battens in an unrelated context. The rejection clearly is unwarranted and should be withdrawn.

This application is in condition for allowance.

The Notice of Allowance is requested.

Respectfully submitted,

By:



Joseph E. Mueth
Reg. No. 20,532

Dated: December 1, 2004

225 South Lake Avenue
Eighth Floor
Pasadena, California 91101
Telephone: (626) 584-0396

I certify that this document and fee is being deposited on
December 1, 2004 with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed
to the Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.



LAURA VELARDE

Date: December 1, 2004